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OFFICE OF PETITIONS

In re Application of :
Takahashi et al. :
Application No. 10/824,482 : DECISION ON PETITION
Filed: 15 April, 2004 :
Attorney Docket No. 04329.2821-01 :

This is a decision on the petition under 37 CFR 1.53(e), filed on 20 August, 2004, requesting that the above-identified application, including 19 sheets of drawings, be accorded a filing date of 15 April, 2004.

The petition is granted.

On 15 April, 2004, the application was filed.

On 24 June, 2004, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that application should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings.

In response, on 20 August, 2004, the present petition and a copy of 19 sheets of drawings were filed. Petitioner argues that the drawing sheets were filed with the other application papers on 15 April, 2004, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 15 April, 2004, and identifies the application by the first named inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, "nineteen (19) sheets of drawings". Petitioner requests that the application, including the 19 sheets of drawings, be accorded a filing date of 15 April, 2004.

A review of the record reveals that no sheets of drawings received on 15 April, 2004, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on 15 April, 2004, included 19 sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including 19 sheets of drawings, is entitled to a filing date of 15 April, 2004.

In view of the above, the petition is granted. The petition fee of \$130.00 will be credited to counsel's deposit account, No. 06-0916.

The application will be processed with the copy of the 19 sheets of drawings supplied on 20 August, 2004, as a part of the original disclosure.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 15 April, 2004, using the application papers filed on that date, and the copy of 19 sheets of drawings described in the specification supplied with the present petition, and for an indication in Office records that 19 sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
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